

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 2 Foster Youth Personal Rights

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 17, 2005, as follows:

August 17, 2005
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 17, 2005.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
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CHAPTERS

California Code of Regulations, Title 22, Division 6, Chapter 4, Sections 83064 (Licensee Duties and Responsibilities), 83072 (Personal Rights); Chapter 5, Sections 84022 (Plan of Operation), 84072 (Personal Rights); Chapter 5, Subchapter 1, Section 84172 (Personal Rights); Chapter 7, Sections 86022 (Plan of Operation), 86072 (Personal Rights); Chapter 8.8, Section 88022; Chapter 9.5, Sections 89372 (Personal Rights), and 89379 (Activities).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current community care facilities regulations list personal rights accorded to children in out-of-home placement as specified in Section 16001.9 of the Welfare and Institutions Code. Assembly Bill (AB) 458, Chapter 331, Statute of 2003 and Senate Bill (SB) 1639, Chapter 668, Statute of 2004, further amended Section 16001.9 of the Welfare and Institutions Code by adding additional personal rights.

AB 458 accords foster children the right to have fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. This statute provides specific anti-discrimination policies protecting foster care youth statewide and ensures consistent implementation throughout the state.

SB 1639 accords foster children who are 16 years old or older the right to have access to postsecondary educational and vocational opportunities available and financial aid information for those programs. Foster youth face numerous barriers to educational and training opportunities, including the lack of information about postsecondary education and financial aid opportunities. This personal right will benefit foster youth by increasing access to higher education and training information and reducing informational barriers.

Proposed regulations have been developed to incorporate the provisions of AB 458 and SB 1639 by amending the personal rights sections in group home, small family home, community treatment facility, transitional housing placement program, and foster family home regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
4. Federal Funding to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, (and/but not) on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1530, 1530.5, 1531, 1530.9, 1559.110. Subject regulations implement and make specific Welfare and Institution Code Sections 16001.9.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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